

SOME
THOUGHTS
ON A
Convocation,

And the Notion of its
DIVINE RIGHT.

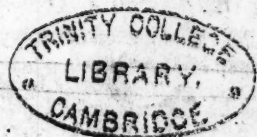
WITH SOME
Occasional Reflections

ON
The Defence of the Vindication of the De-
prived Bishops.

[S. A. 1699.]

L O N D O N

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THE P R E F A C E.

I Shall only thus far endeavour to prepossess the Reader in Favour of the following Papers, as to assure him, That the Author is not Conscious to himself of having advanced any Notion that is repugnant to the Sense of Scripture, or Antiquity; To the Articles of our own Church, or the Opinions of its greatest Divines who have treated this Subject. The Authority of the King over our Convocations has indeed been of late disputed by some; and a Learned Treatise that was writ in Defence of it, has had the Misfortune of meeting with a great many Enemies, that are very free in thier Censures upon it; what thier Reasons are themselves best know: For they are so kind as not to let them appear in Publick.

But these Papers are only designed to give as true a State and Notion of the Controversie as the Authors Enquiries could lead him into, and not for a Vindication of others Opinions: And if they should chance to fall in with any of those delivered in that forementioned Treatise, it was no other than a sober and impartial View of the Subject that occasioned it. And I can't but think that they who assent to the Articles of our Church, can hardly deny joyning in the same Notions.

It is very common with the Managers of Disputes of late, to fix Characters of Ignominy upon those who dissent from them. And some who have engaged in this Controversie, for want of other Arguments, have thought I suppose to carry the Cause by insulting over their Adversaries as Latitudinarians and Erastians. And therefore, least they should fix the same Titles upon the Author of these Thoughts, he desires they would first answer these two Queries.

Whether

The P R E F A C E.

Whether he who advances no other Doctrin than what has always been maintained by the Church of England, and is intirely agreeable to its 39 Articles, can justly be charged by any Member of that Church, as a Latitudinarian in point of Doctrin?

And whether he who subscribes to the Government of the same Church as by Law Establiſhed, and maintains no other Notions but what our Convocations have agreed to, and are at this Day the standing Rules delivered to us in her Ecclesiastical Canons and Constitutions, can by any Member of the Church of England be reasonably charged as an Erastian in point of Church-government?

And if he that guides himself by these Methods is in the wrong, the Church must answer for his Errors, and not he for being obliged to defend her. And therefore the Church must be taxt with our false Principles, if they are such, or it ought to be shewn, wherein we have differed from her.

It may probably be one Objection against these Papers, that a Book of Grotius's is sometimes cited in them, which lies under the Censure of Erastian Principles. It is foreign to my present Business to engage in its Defence; Ger.

** Epist. 23. Vossius * gives it the Character of a most Excellent Book, and offers to defend it against all Opposers. But it is enough to my purpose, that there is nothing cited from him, that is disagreeable to the Doctrines of our Church: And it was not his Authority, but the strength of his Argument, that occasion'd his being introduced in the Debate.*

But I hope the other Authorities that are here made use of can have no such Objections against them. Tho' if these Papers are condemned they can hardly escape, notwithstanding the Characters they have always bore in the World ought to secure them from such Treatment, since if this Author is an Error, 'tis they who have led him into it.

S O M E

S O M E
THOUGHTS
 O N A
Convocation, &c.

THE stating the Rights and Authority of the Clergy, must be confess'd to be a very nice and tender Point; and in Attempts of this Nature, it is almost impossible not to offend.

Let a Man deliver his Opinions with never so much Sincerity and Caution; yet after all, he must expect to find that some Party or other will be displeased.

The asserting the Privileges of the Clergy, but even as far as those Bounds which Religion and the Laws of the Land have set them; and the Nature of their Function requires, is almost a downright Affront to a sort of Men, who think the whole Order useless, and their Office only an Imposition upon the Rights and Liberties of the rest of Mankind.

And the not carrying their Authority to a higher pitch, than the Constitution of the State does or can admit of, or than the Law of God has allowed; or even to such *Immunities*, as some Mens mistaken Zeal would challenge to belong to them, is represented as an Indignity to Religion, and an open Violation of the Rights and Honours of that Profession.

I shall not concern my self in determining whose Censure 'tis most safe to fall under.

B

But

But this seems very apparent, That the pretending to too unlimited a Power, is as great a Prejudice, and of as dangerous Consequence to the Clergy, as the parting with some of their just Rights and Privileges: Either of these Extreams may be fatal; and therefore the more Caution is required to avoid them.

It is certainly a great Weakness in any Clergy, to raise themselves Enemies in the State, by laying Claim to an Authority which is none of theirs. The intolerable Usurpation of the *See of Rome* on the Rights of Princes, and the Revolutions occasioned by it, in a great many parts of *Europe*, afford us Instances enough of this Nature.

Let us, in God's Name, maintain the Honours and Privileges of the Holy Function, as far as of right we may; but let us not extend them to such a Power and Superiority, as neither the Laws of God will justify, nor those of the Land admit of; and which the first Ages of the Church (after the State was Christian) never exercised.

The whole Controversie about a *Convocation* may be, I think, reduced to this. Either that the time and manner of its sitting, acting or debating, is to be determined by the Laws of the Land, and the Prudence of the supream Authority; or that the Clergy have a Power by *Divine Right*, independent on the State, to assemble themselves, decree and enact Ecclesiastical Laws, without the Consent of the secular Authority.

If the latter of these Notions be true, 'tis plain, That all human Laws to the contrary, can be of no force: A Divine Institution being unalterable by any other Power. And if any other Power has decreed any thing in Opposition to it, 'tis a Sin to submit to its Commands.

But in Cases of this Nature, where such a Right is pretended, it ought to be made very clear and indisputable from the express Declaration of Scripture; or at least, from the Practice of the first Christians, where any Parallel Instances can be produced: Though I think this latter is an Argument of far less Authority than the former; and if there had been Instances of Convocations like ours in the Apostles Days, yet this would not prove their Divine Right, unless there could be shew'd a Command of God for it;

it ; for a great many Examples have not the force of Precepts, even in Scripture it self, but are of an inferiour Nature, and serve for no other Purpose than to direct what may be most proper to be done in like Cases. As the Order of *Deaconesses* and others, tho' as early as the Apostles Age, is now wholly laid aside. The end of its Institution ceasing, which was to instruct the younger Wömen in the Faith, when there were stronger Reasons for the abolishing it. Prudence is to judge how far such Examples are to be followed.

Now whether this Notion of a *Divine Right* has any Foundation in Scripture, or can be grounded upon any Examples in the Primitive Church or not ; it is past all Controversie, that our Kings have an Authority devolved on them by our Laws, and acknowledg'd as of Right belonging to them over our *Convocations* ; and that the Clergy neither have, or can pretend to have, by our Constitution, the Liberty or Power to meet after that manner without their Assent. This is very evident from the Writs, by which they are summoned to assemble.

And as they cannot meet but by the King's Writ, so neither when met, can they make any Canon, or Constitution, without his Licence and Approbation.

There is indeed a Convocation always summoned, whenever a Parliament is called, according to the ancient Constitution : And hence some have thought, That they ought to claim the same Right and Liberty to enact Laws for the Good of the Church, as the other for the Advantage and Welfare of the State.

But the Case is very different ; the Reasons of calling the Clergy anciently, every Parliament, was upon a Political Account ; because they were then look'd upon as a Member of the Parliament, and could not be taxt but by their own Grants : But that Reason is now, in great measure, out of Doors. And though they are still summoned, that they may be ready upon all Occasions, to advise and counsel the King in making Provisions for the Security of Religion, and the Preservation of the Church ; yet as there is not always the same Necessity for their sitting and acting, as for the Parliaments, so the King is made the sole Arbitrator of it.

But this Particular has lately been so fully and largely discussed by a very learned Pen, that there is no need of farther Addition.

And indeed, if we may stand to the Decision of the Laws of the Land, this whole Controversie will soon be at an end: For it is no difficult matter to be resolved about the Power the King is invested with, by being *Head of the Church*; and what Privileges are reserved for the Clergy by their own Suffrage and Decree in *Convocation*, and by Act of Parliament.

The King, by his Power, is to call the Convocation, they are to assemble only by his Writs, they are to debate upon such Matters as he shall offer, and are to constitute no Orders, or make any Laws without his Consent.

This is very apparent from the Act of Parliament, where
 Aft. Parl. *the King's humble and obedient Subjects, the Clergy of this*
 An. 25. *Realm of England, have not only acknowledged according to*
 Hen. VIII. *the Truth, That the Convocations of the same Clergy, always*
 Upon the *hath been, and ought to be assembled only by the King's Writ,*
 submission *but also submitting themselves to the King's Majesty, have pro-*
 of the *mised in Verbo Sacerdotis, That they will never from hence-*
 Clergy, *forth, presume to attempt, alledge, claim or put in ure, enact,*
 and re- *promulge, or execute, any new Canons, Constitutions, Ordinances*
 fraint of *Provincial, or other, or by whatsoever other Name they shall*
 Appeals. *be called in the Convocation, unless the King's most Royal Assent*
and Licence may to them be had, to make, promulge and exe-
cute the same; and that His Majesty do give His most Royal
Assent and Authority in that Behalf. And where divers Consti-
tutions, Ordinances, and Canons Provincial, or Synodal, which
heretofore have been enacted, and be thought not only to be much
prejudicial to the King's Prerogative-Royal, and repugnant to
the Laws and Statutes of this Realm, but also over-much onerous
to His Highness and His Subjects; the said Clergy hath most
humbly besought the King's Highness, That the said Consti-
tutions and Canons may be committed to the Examination and
Judgment of His Highness, and of two and thirty Persons of the
King's Subjects, whereof sixteen to be of the upper and nether House
of the Parliament of the Temporality, and other sixteen to be of the
Clergy of this Realm; and all the said two and thirty Persons, to
be chosen and appointed by the King's Majesty. And that such of
the

the said Constitutions and Canons, as shall be thought and determined by the said two and thirty, or the more part of them, shall be approved to stand with the Laws of God, and consonant to the Laws of this Realm, shall stand in their full Strength and Power; the King's most Royal Assent first had and obtained to the same. Be it therefore now enacted by Authority of this present Parliament, according to the said Submission and Petition of the said Clergy, That they, ne any of them, from henceforth shall presume to attempt, alledge, claim, or put in ure, any Constitutions or Ordinances Provincial, or Synodal, or any other Canons: Nor shall enact, promulge, or execute any such Canons, Constitutions, or Ordinances Provincial, by whatsoever Name or Names they may be called, in their Convocations in time coming (which always shall be assembled by Authority of the King's Writ) unless the same Clergy may have the King's most Royal Assent and Licence, to make, promulge, and execute such Canons, Constitutions, and Ordinances Provincial, or Synodal, upon pain of every one of the said Clergy, doing contrary to this Act, and being thereof convicted, to suffer Imprisonment, and make Fine at the King's Will.

They are indeed left at Liberty, to give what Judgment they think fit, upon such Matters as are offered to them; and their Determinations and Decisions about them, are solely in their own Breasts: But they cannot have the Force of a Law, unless he will be pleased both to approve and confirm them.

And this is the Nature of Ecclesiastical Synods, amongst us by our Constitution. And as this preserves the Authority of the Sovereign, so does it not infringe the Liberty of the Clergy. No Ecclesiastical Canons or Constitutions, can be made without them: Nothing can be accounted Heresie, or censured as such, but what by lawful Synods has been already condemned; decreed to be such, with the King's Consent by our own Convocations; whose Acts have been ratified and confirmed by Parliament.

Thus, tho' the Clergy can't, by their own Power, meet in Convocation, nor decree or enact any Ecclesiastical Laws without the Sovereign Authority; yet neither can any Ecclesiastical Canon be made, or any new Heresie be declared, without their Advice and Approbation.

*De Imperio
sum. Potest.
circa Sacra.
C. 7.*

Grotius is indeed of Opinion, That the supream Civil Authority, has a Right to make Laws, without the Consent of the Clergy for the Government of the Church. Because if it could not, it would receive some Right of governing from the Synod, and consequently could not be supream; whereas the highest Power being subject to God alone, has under him the sole Right of Governing. Besides, if the supream Power could not enforce the Observance of that without a Synod, which it might with one, then it should receive part of its Right and Authority to govern from thence: And by Consequence some part of the Government must be lodged in the Synod. - Which it can neither challenge by Human or Divine Right. God having no-where committed such a Power to the Church; and therefore not to Synods. And for these Reasons, he is of Opinion, That the highest Power has a Right to make Orders for the Government of the Church without a Synod. And to confirm it, he adds the Examples of the *Hebrew Kings*, and some of the *first Christian Emperors*, that have exercised their Authority about things sacred, without any such Convention of the Clergy.

But tho' these Reasons should prove such a Right in General, to belong to the supream Power, yet it cannot be doubted but that the same Power may so far dispense with the Execution of it, as to consent, That no Laws shall be made relating to Religion, without the Counsel and Approbation of the Clergy.

But if it may be thought reasonable to have the Advice of the Clergy, in all Matters of such Importance, it must be also absolutely necessary, That the Civil Power which is to enforce the Observance of the Injunctions, resolved on by the Spiritual, should have the Right of judging of its Determinations; especially, where all Mens Consciences, as well *secular* as *Ecclesiastical*, are to be concluded by them.

This is most certain, That it is a Duty incumbent on the Prince, whether the Clergy give their Opinions or not, to reform and correct Abuses in the Church, and he must answer for his Neglect to God, if he does not do so. And if before any Declaration of the Judgment of the Clergy, he

has

See Bp.
Taylor's
Duct. Dub.
L. 3. C. 3.

has a Right to order what is necessary in sacred Affairs, 'tis plain, That his Power is superior to theirs; and that it cannot be less at the meeting of a Synod, than it was before it. The supream Authority continues the same, whether it acts by the Counsel of others, or without it. And there can be no Obligation to comply with it, but that of Reason and Prudence.

The Notion of the King's Supremacy, over all Persons, and in all Causes, as well Ecclesiastical as Civil, established by our Laws, owned and asserted by our Clergy, and very frequently vindicated with much Strength and Learning by the greatest Men of our Church, ever since the Reformation, grants all that Right and Power to the King, over Convocations that we contend for.

" This Power, says the Excellent Mr. Hooker, being Eccl. Poli-
 " sometime in the Bishop of Rome, who by sinister Pra-
 " tices, had drawn it into his Hands, was for Just Con-
 " siderations by Publick Consent, annex'd unto the King's
 " Royal Seat and Crown; from thence the Authors of Refor-
 " mation, would translate it into their National Assemblies or
 " Synods: Which Synods are the only Helps, which they think
 " lawful to use against such Evils in the Church, as particular
 " Jurisdictions are not sufficient to redress. In which Cause,
 " our Laws have provided, That the King's Super-eminent
 " Authority and Power shall serve: As namely, when the whole
 " Ecclesiastical State, or the Principal Persons therein, do
 " need Visitation and Reformation; when in any part of
 " the Church, Errors, Schisms, Heresies, Abuses, Offences,
 " Contempts, Enormities are grown; which Men in their
 " several Jurisdictions either do not, or cannot help.
 " Whatsoever any Spiritual Power and Authority, (such
 " as Legats from the See of Rome, did sometime exercise)
 " hath done, or might heretofore have done, for the Re-
 " medies of those Evils in lawful sort, (that is to say,
 " without the Violation of the Laws of God, or Nature in
 " the Deed done) as much in every Degree our Laws have
 " fully granted, that the King for ever may do, not
 " only by setting Ecclesiastical Synods on work, that the
 " thing may be their Act, and the King the Motioner un-
 " to it, for so much perhaps, the Masters of the Reformation
 " will

That " will grant : But by Commissions few or many, who ha-
 Clause of " ving the King's Letters Patents, may in the Vertue there-
 the 1st. " of, execute the Premises as Agents in the Right, not of
Eli. which " their own peculiar and ordinary, but of his Super-emi-
 gave the " nent Power.
 King Pow-
 er to make such high Commissioners in Ecclesiastical Causes, is now repealed.

This Passage, as, tho' designed on Purpose against the
 present Opposers of the *King's Supremacy*, is not only an
 Account of the Power our King has over his Convocations
 by the Law of the Land, but also a Vindication of that
 Law, in investing him with such Authority. And I the
 rather thought it deserved to be taken notice of, that I
 might oppose the Judgment of this great and learned Man
 to the Censures of *two late Authors*, who have taken a great
 deal of Freedom in blackening the Memory of the Convo-
 cation in *Henry the 8th's Reign*, for surrendring up to the
 King the Right and Liberty of meeting without his Leave.
 The Author of the *Municipium Ecclesiasticum*, in his Pre-
 face, insults over *that Convocation*, as under the lash of a
Præmunire, and from thence, seeks to prejudice the Autho-
 rity of the *Convocation-Act*. But this is a great Blunder;
 for the *Præmunire* was off at least three Years before, and
 released by Act of Parliament, in the 22d of *Henry the 8th*,
 the *Convocation-Act* being not till the 25th.

Municip.
 Ecclef.
 Preface.
 Defence of
 the Vind.
 of the de-
 priv'd Bi-
 shops, p.
 104.

See Raft.
 Stat. 22.
 H. VIII.

But to let that pass, this whole *Eighth Book of Ecclesiasti-
 cal Policy*, is designed for a Vindication of the Kings Power
 in that Particular, as also of our Laws, and the Consent
 of the Clergy, by which it was confirmed.

Ecclesia-
 stical Po-
 lity, p.
 469.

" Except therefore, we make the King's Authority over
 " the Clergy, less in the greatest things, than the Power
 " of the meanest Governors is in all things over those
 " which are under them, how should we think it a Matter
 " decent, that the Clergy should impose Laws, the su-
 " pream Governors Assent not asked?

But lest some sort of Men should pretend, that this *8th
 Book* is not so much, and truly Mr. *Hooker's*, as those
 which are published by himself, which however is not que-
 stioned by the last of these Authors mentioned, that quotes
 from it, how much to his purpose, I shall consider here-
 after,

after. I shall add a Passage out of his Preface. There was Preface
 (says he, speaking in Reference to some who had a Dislike p. 44. Ed.
 to the Constitution of the Church, then established by Law) Lond.
 in my poor Understanding, no Remedy; but to set down 1682.
 this as my final resolute Persuasion, " Surely the present
 " Form of Church-Government, which the Laws of this
 " Land have established, is such as no Law of God, nor
 " Reason of Man, hath hitherto been alledged of Force
 " sufficient to prove they do ill; who, to the uttermost
 " of their Power, withstand the Alteration thereof. Con-
 " trariwise, the other, which instead of it, we are re-
 " quired to accept, is only by Error and Misconceit,
 " named the Ordinance of Jesus Christ, no one Proof as
 " yet brought forth, whereby it may clearly appear to be
 " so in very deed.

Thus far I have chiefly consider'd what Power the King
 has over the Meetings of Ecclesiastical Synods, by our Con-
 stitutions. And if, in Opposition to this, any Laws had
 been made whilst we were under the Popish Tyranny, and
 Usurpation, that had exempted the Clergy from any such
 Subjection to the supream Authority, as 'tis certain there
 were none, the King's Ecclesiastical Jurisdiction being al-
 ways asserted against the Encroachments of the Pope and
 Clergy upon it; I think we might justly have deny'd them
 to be any Argument in the present Controversie.

Vid. Stat.
 16. R. 2.
 against
 purcha-
 sing Bulls
 from Rome.

But all that we can urge from our Laws, will prove lit-
 tle in the Case before us, if the Clergy had an Antecedent
 Right to meet in Convocation by a Divine Commission; or
 are invested with a separate Authority, by the Law of
 God, of making Orders for the Government of the Church,
 whether the Sovereign Power be Christian or not; and of
 obliging all Men in Conscience to observe them, without
 any Consent or Licence from thence.

Now 'tis strange, if there should be any such Divine
 Right, that the Clergy not only at the *Reformation*, but to
 this very time, should be so very ignorant of it, as not
 only by a tacit Consent to submit to, but in all their Wri-
 tings, acknowledge and publicly defend this superior
 Power in the Prince, either to prevent their meeting, or
 forbid their making any Canons, unless they had first ob-
 tained

tained his Order and Licence. If this *Divine Right* had been plainly declared in Scripture, it could not have been over-look'd; and if 'tis not plainly there, it can with no tolerable shew of Reason be pretended to.

G. Voss.
Ep. 23.

And that this Notion of a *Divine Right* of Convocations, is altogether precarious, seems evident upon these two Accounts. *First*, That all the first Synods, where the Emperor was *Christian*, were summoned and conven'd by his Authority; and *Secondly*, That this Power of the Emperor's, was never disputed by the Clergy as an Usurpation upon their *Rights*; but on the contrary, was always approved of by them.

For the Practice of the Church, in those times, is of great Moment in the present Controversie: For if there is such a *Divine Right* lodg'd in the Clergy, of meeting, either to decide Disputes, or make Ecclesiastical Laws without the Consent of the Sovereign Power; it is strange, that the Clergy in those early Ages of Christianity, should so quietly part with their Privilege; or that an Emperor, who was so mighty zealous for Religion, as *Constantine* was, should violate the Rights of the Church in so notorious a manner, and overthrow its Constitution even contrary to a *Divine Appointment*, by summoning *Councils*, as he did, by his own Authority.

If the Clergy had such a Right, as is now pretended, it could not so soon be forgotten, as in *Constantine's* time; nor could they have given it up, or the Emperor have taken it from them, without sin.

It must then be confess'd, to be a good Argument against the *Divine Right* of any thing, where the Scripture is silent, that the contrary was practis'd, within three or four Ages after Christ, even by Men, who are allowed on all sides, to be of the most Orthodox Principles, who could not but know the Rights of the Church; and who, if they did know them, would never suffer them to be violated.

Now that Christian Princes have pretended to this Authority of assembling General Councils and National Synods; and that the Clergy have met, upon their Summons, is undeniable: And 'tis also evident, That the Clergy, when the State was first Christian, never thunder'd out any Anathema's

thema's against it, for this pretended Authority; that they never censured it as an Usurpation upon their unalienable Privilege, but always quietly and readily submitted to the Prince's Summons, without disputing from whence he derived that Power over them.

Indeed before the supream Authority was Christian, the Clergy had a Right to convene themselves, to make what Orders might seem requisite for the Good of the Church. See Ca. non, 1640.
In this Case, the Church has a Right like that of the State: Can. 1.
In the Vacancy of the Government, the Members of each may assemble, consult, and make Orders, as the Exigencies of the Church or State may require.

Some, I know, have insisted upon this as an Argument, to prove an independent Authority in the Church from that of the State; and they are of Opinion, That the same Liberty which the Clergy then exercised, in meeting upon Affairs of the Church, is still their Right in Equity, tho' the State be Christian. For the Church ought not to lose any of these Rights and Privileges by the Conversion of Princes, which it enjoyed before.

But the Case is widely different, and therefore the Reason cannot be the same. The Church and the Commonwealth were then two different Societies, very opposite to each other. But where they profess the same Religion, are incorporated into the same Society, and are under one common Governour, they are both subordinate to that Power, and no Laws can be made to bind either, but what shall be approved of by him: As for the Right which the Clergy had, before the State was converted, it was only prudential, and was theirs no longer, than whilst the supream Power was Heathen. When the chief Authority had no Relation to the Church, it could not be under its Government, but the Care of it must belong to the Clergy, who were then most immediately to be concerned for it. But this Power was to cease, when the chief Governor became Christian, who upon that Account, engaged to defend and protect the Church; and the Reason of the things, and the Nature of Government, do both require that it should be lodged there.

It was the Misfortune of the Church, and the Necessity of the Clergy's taking care of it in a State of Persecution, that made them do it: It was no Privilege belonging to their Function; and therefore, a Christian Ruler coming, the Power was to return to the right Channel, and the Clergy lost not a Privilege, but were freed from the Burden and Care they had before.

For in those things, where there is no Prohibition or Caution in the Divine Law, the Church is to be subject to human Government. What is commanded by God, must not be omitted by the Church; but in Matters which are left purely to human Prudence, the supream Governour is to be obeyed, and there is a Law of God for it.

See Bishop
Andrews's
Sermon
before
the King
at H. C.
Canons
1640
Can. 1.

Now, I think, the Mistake about the *Divine Right of Convocations* is grounded upon this, That Christ having constituted spiritual Governors in his Church, they consequently must have the supream Right over it, in all things that concern Religion, either for making any new Orders or Offices, that may tend to the Advantage of the Church; and that no humane Authority, can of Right interfere with, or hinder it.

It can't indeed be denied, but that Christ has instituted and ordained a Succession of Pastors of his Flock, and committed certain proper Functions to them, such as the preaching the Word, the Administration of the Sacraments, the Power of the Keys, and the like; and that there shall be such, no Power on Earth has a Right to forbid, so far there is a Divine Institution. But that the supream Governor, to whom these Pastors are subject, has not a Power over them in all those things, which the Scripture mentions nothing of, and which are not any part of the Ministerial Office or Function; this we absolutely deny.

All human Institutions must be subject to human Laws, and since Convocations are such, because not appointed by any Divine Law, all the Power they have, must be deriv'd from that Authority to which they are subject.

If it be said, That if the Prince has this Power, he may make a wrong use of it; yet this does not prove against his Right. Our Abuse of any thing, is not an Argument that we have no Rightor Title to it.

If

If indeed the Prince should happen to be of a different Religion, and disclaim all Right to his Supremacy over the Church, or abuse it to the Destruction of it ; I see no Reason, but if the Necessities of the Church should require it, See Bishop the Clergy now may have the same Privilege, as the Primitive Christians, and may assemble of their own accord, *See Bishop Andrews Sermon at Hampton Court.* as they might have done, when their Emperors were Heathen.

Common Prudence will direct what is proper in such Cases. As Right Reason, and the Laws of Equity would advise, That the chief Power over Ecclesiastical Affairs, should be committed to the Sovereign Authority, when Christian ; which is supposed, upon that Account, to be as much concerned for the Good of the Church as of the State.

And indeed, where nothing is determined on either side, this must necessarily be fixt there. Because there is no other that can either by Divine or human Right, lay claim to the like Authority. *See Bishop Taylor's Duâ. Dub. L. 3. C. 3.*

There is no other possible way of determining the Bounds of the supream Power, but by the Law of God or Nature ; Its Right extends over all things, but what are either commanded or forbidden by them. *vid. Grot. de Imp. sum. Poi. civ. Sa. c. 3.*

“ Now then allowing Mr. Hooker's Opinion, That as for
“ supream Power in Ecclesiastical Affairs, the Word of God
“ doth no-where appoint, that all Kings shall have it, nei- *Eccl. Pol.*
“ ther that any should not have it ; yet for this very Cause *P. 444.*
“ it seemeth to stand altogether by human Right, that un-
“ to Christian Kings there is such Dominion given.

As for the Law of Nature, I think it must be granted, to be no way concerned in the present Controversie. *Grotius* does indeed allow, That the Original of *Synods*, is derived from the Law of Nature : For Man being a sociable Creature, does naturally associate himself with those, who pursue the same Methods and Manner of Life. So Merchants for the Improvement of Traffick, so Physicians and Lawyers meet and consult together, for the examining the Mysteries of their Art, and for the advancing their Profession. But then to prevent Mistake, he distinguishes between an absolute Law of Nature, which cannot be changed, as to worship God, honour our Parents, and to do no Injury to the Innocent ; and that which is natural, after a sort, as being most

most reasonable, and allowed of by Nature, till human Laws interpose: Thus every thing by Nature is common, all Men are free, the nearest Relation is Heir; till by human Appointment and Consent, Propriety, and Subjection were introduced, and the Inheritance disposed of by Will. In this latter Sense, he allows it to be natural to hold Synods; but he denies it to be so in the other, because then, no Bishops would ever have petitioned the Emperors for leave to meet; and St. Hierom's Argument to prove a Synod unlawful, would be invalid; *Shew me, saith he, what Emperor commanded the meeting of that Council.* Synods therefore are to be accounted in the number of those things, which being allowed of by the Law of Nature, are yet subject to human Constitutions; and may be assembled, or prohibited by them.

And if in the Reigns, even of the *Pagan Emperors*, any Laws or Imperial Edicts had been published against holding Synods, and the Necessities of the Church not evidently required their meeting; but especially, had those heathen Powers allowed them all the Liberty of meeting for Prayers, and performing other Duties which Christ had appointed, and were necessary to be done by them, in Obedience to his Commands; I know no Right the Clergy could have pretended for their assembling. It is certain, That the Church might subsist, and be preserved without them. And thereupon, the Bishops were very careful not to offend or provoke their Governors, by their Synodical meeting, whatever Occasions there might be for them. St. Cyprian, as Grotius observes, has shewn in several Places, That when in times of Persecution, there arose a hot Contest, *about receiving the lapsed into Communion*, and for the putting an end to it, nothing seemed more necessary, than for the Clergy to meet and consult together in common; yet the Bishops deferred the meeting, till the Storm was blown over; which certainly they ought not to have done, if Synods had been enjoin'd by a positive Law, either *Divine or Natural*; and could have been no more dispensed with, than the Duties of worshipping God, and honouring our Parents.

Since then there appears no Authority from Scripture, or from the Practice of the Church, after the State was Christian; or from the Law of Nature, to found this Pretence upon

upon, of the Clergy's having a distinct Right from the State of assembling themselves in Convocation; it is evident, That the Laws of the Land, and the Suffrage of the Convocation in *Henry the 8th's Reign*, and of all the Convocations that have been held since; which by common Consent, have invested the King with this Power, and have submitted to it, were not so rash and irreligious, as some Men would insinuate. Even the Convocations in *Queen Mary's Reign*, when that Law was abrogated, yet met and acted by her Authority.

But it is to be observed, That the Arguments which are now produced to prove the Church Independent on the State by a *Divine Right*, are the same which Mr. *Hooker* taxed as the Errors of some in his time, who asserted the Unlawfulness of the Prince's exercising any Authority in the Affairs of the Church.

See the
Defence
of the
Vind. of
the De-
prived Bi-
shops. Mu-
nicip. Escl.

“ The Causes of common received Errors, in this point, seem to be especially two: One, That they who embrace true Religion, living in such Common-wealths as are opposite therunto, in other publick Affairs, retain civil P. 439.
“ Communion with them. This was the State of the Jewish Church, both in *Egypt* and *Babylon*, the State of Christian Churches a long time after Christ. And in this Case, because the proper Affairs and Actions of the Church, as it is the Church, hath no Dependence on the Laws, or upon the Government of the civil State, an Opinion hath thereby grown, That even so it should be always. This was it which deceived *Allen*, in the writing his Apology; *The Apostles* (saith he) *did govern the Church in Rome, when Nero bare Rule, even as at this Day, in all the Churches Dominions, the Church hath a spiritual Regiment without Dependence, and so ought she to have amongst Heathens or with Christians.* Another Occasion of which Mis-conceit, is, That things appertaining to Religion, are both distinguished from other Affairs, and have always had in the Church, spiritual Persons chosen to be exercised about them. By which Distinction of spiritual Affairs, and Persons therein employed from temporal, the Error of personal Separation always necessary between the Church and Common-wealth, hath strengthened it self. —

These

These Notions have been often made use of by the Papists, in their Disputes against the *King's Supremacy*; and 'tis strange they should be now revived, when they have been so learnedly considered and refuted by Mr. *Hooker*, Dean *Nowel*, Bishop *Jewell*, and other great Men of our Church. And I may add, That some of our present Adversaries Opinions are much the same, with those of the *Scotch* Disciplinary-narians refuted by Bishop *Bramhal*.

The Author of the *Defence of the Vindication of the deprived Bishops*, hath told us, That Mr. *Hooker* (for whom he pretends a very great Respect, tho' for what Reasons I know not, since they differ in every thing) is against him, in making the Church one Body with the believing State. And therefore, I suppose, he would have it taken for granted, That his Reasons are more conclusive in making them distinct.

Indeed it was necessary for this Author's Purpose, That the Church and State should be separate Societies; for all the Weight of his Arguments, depends upon it; and if this should fail, his whole Fabrick must sink of Course. It was certainly time for him to call a new Cause; and, since the Practice of the whole Church is against him, to omit Authorities, and the Sense of Antiquity, and to retire to downright Reason. But he would have done well, to have considered and answered Mr. *Hooker's* Arguments, before he had produced any others on the contrary side.

For certainly, if the Common-wealth be Christian, if the People which are of it do publicly embrace the true Religion, this very thing doth make it the Church. And to make it a separate and independent Society from the State, where all Mens Principles are the same, is a Notion neither agreeable to Scripture or Reason. But I shall not pursue an Argument, which has been already so fully and learnedly managed by Mr. *Hooker*, to whom I shall refer the Reader.

But I think my self obliged to do Mr. *Hooker* Justice in a Passage cited from him by this Author, as though it made for him; and which appears to me, to be designed to prove directly contrary. This Author, it seems, would persuade us, that Mr. *Hooker* is of his Opinion, That the Deprivation of spiritual Persons, by the Civil Power, is not justifiable by even our present secular Laws. And to this end, he cites these Words;

See Bishop
Bramhal
against
the *Scotch*
Discipline.

P. 109.

Eccle. Pol.
467.

P. 440,
441, &c.

Defence
of the
Vind. of
the deprived
Bishops, P.
108.

Words; all Men are not for all things sufficient, and therefore publick Affairs being divided, such Persons must be authorized Judges in each kind, as common Reason may presume to be most fit. Which cannot of Kings and Princes, ordinarily be presumed in Causes meerly Ecclesiastical; so that even common Sense doth rather adjudge this Burthen to other Men. This, indeed, looks plausibly, as it is here set down, without its Connexion with what goes before and follows it. But however, all that it can prove by its self, is only, That it may be more proper for spiritual Persons to judge in Causes meerly Ecclesiastical. But then it denies not, That if Princes are so pleased, they may judge themselves; this takes not away their Right, though it may be Prudence in them to appoint others to sit in their stead.

But let us see the full Scope and Extent of Mr. Hooker's Words. As, says he, the Person of the King may, for just Considerations, even where the Cause is civil, be notwithstanding withdrawn from occupying the Seat of Judgment, and others under his Authority be fit, he unfit himself to judge; so the Considerations for which it were haply not convenient for Kings to sit and give Judgment in spiritual Courts, where Causes Ecclesiastical are usually debated, can be no bar to that Force and Efficacy, which their Sovereign Power hath over those very Consistories: And for which we hold, without any Exception, That all Courts are the King's. And then follows; All Men are not for all things sufficient, &c. And after that he goes on, We see it hereby a thing necessary, to put a difference as well between that ordinary Jurisdiction which belongs unto the Clergy alone; and that Commissary wherein others are for just Considerations appointed to join with them, as also between both these Jurisdictions, and a third, whereby the King hath transcendent Authority over both: Why this may not lawfully be granted unto him, there is no Reason.

Now take the whole together, and the Argument turns on the other side; and proves, That the Judgment of the supreme Power is in all manner of Causes to be the highest.

But how, were Ecclesiastical Courts alone to judge of spiritual Matters, and there could be no Appeals from their Decisions, (which yet the supreme Power has a Right to receive) yet these Courts do not exercise any Power that is not derived from the Supremacy, either mediately or im-

Eccl. Pol.
P. 464.

See the History of the Troubles and Tryal of Arch-Bp. Laud,
P. 309.

mediately. The Laws by which they act, and exercise their Jurisdiction, proceed from thence, and the Courts are constituted by its Authority. So that all that is done there, is by Virtue of the King's Commission.

But besides, if the King had no Power at all in spiritual Cases, yet it does not appear, That the Cause of the deprived Bishops is purely spiritual; they are as much Ecclesiastical Persons now, as they were before their *Deprivation*. And though they may not exercise any part of Episcopal Power in the King's Dominions, yet they still retain their Office, and have a Right to perform all the Duties of it, where and whensoever the Sovereign Power will authorise them to it.

1b. p. 309. It was the Opinion of Archbishop *Laud*, That the Use and Exercise of his Jurisdiction, *in Foro Conscientiæ*, might not be but by the Leave and Power of the King, within his Dominions.

If his Majesty should forbid a Physician to practise within his Dominions, for some Crime committed by him; 'tis plain, That by this means, he is not degraded from his Profession; nor will it follow, That his Majesty ought to be acquainted with that Art, before he pronounces Sentence against him. If his Offence had been against some of the Rules of his own Profession, 'twould be more proper for the College of Physicians to judge of the Nature and Manner of it: But where the Crime has no Relation to the Profession, there is required no Skill in Physick to judge of it.

If a Person be convicted of Heresie, 'tis just he should be tried by the spiritual Power, and according to what has been judged by them so to be. But if his Offence be against the King or the Publick, if he refuse Allegiance to his Majesty, or Obedience to his Laws, be he a spiritual Person or not, there is no doubt, but his Majesty has a Right to forbid him the Exercise of any Office or Function within his Territories. The King does not judge herein of his Qualifications as a Divine, but of his Duty as a Subject. And as such has a Right to command his Obedience, and to punish him as he thinks fit for his Disloyalty.

But if what the Author of the *Defence of the Vindication of the deprived Bishops*, urges, is of any Force; as, *That the Church and State, tho' Christian, are two distinct Societies;* and

and that *Spiritual Persons*, tho' defended and preserved by the Sovereign Power, have yet as such, no Dependence upon it, and are not subject to its Authority: How advantageous soever this may prove to the Church, it will be very inconvenient and dangerous to the State.

For if the Prince has no just Power over *Spiritual Persons* as such, it must follow, That in several Cases, he can have no Authority over them as temporal. As suppose any of that Body should be guilty of a Crime, which requires such a Punishment, as can't be inflicted without depriving him of his Ecclesiastical, as well as his Civil Rights; 'tis plain, according to that *Author's* way of arguing, That in such a Case, the State can have no Authority to punish. And if the Clergy will not pass Sentence against him, he must go unpunished: For how guilty soever he may be, the King can pretend no Authority, either to imprison or banish him. Because, according to this Author, the *supream Power* has no Right upon any Account whatsoever, to prohibit him the Exercise of his Ecclesiastical Function; which he must do, if he punishes him either of the fore-mentioned ways. The same Reasons will, I think, also forbid the Civil Authority, from having any Right of sentencing an Ecclesiastical Person to Death, as well as to perpetual Imprisonment, be his Offence of what Nature soever. The Consequences of such Notions, are more than sufficient Confutations of them.

The great *Grotius*, who could have no Interest or Prejudice to misguide his Judgment, in Relation to this Controversie, is of Opinion, That the Right of removing a Pastor from the Cure of any certain Place, ought always to remain in the highest Power. So Solomon deposed *Abiathar* from being Priest. The *Vindicator* of the deprived Bishops has been at some pains, to prove that *Abiathar* was not *high Priest*. Which whether true or no, is little to his Purpose; for if he was a Priest, and deprived by a Lay Power, it is sufficient. So the Bishops of Rome, were more than once deposed, by the Imperial Authority, as is owned by *Bellarmino* himself. And to prove this, says *Grotius*, is not difficult: For if the *supream Authority* hath a Right to forbid any one the City or Province, he must of Necessity have a Right, to prohibit him the Ministry of that City or Province.

*De Imper.
sum. Potest.
Circa Sacra,
Chap. 10.*

Province. For this is included in the other: *For he who has a Power over the whole, must have the same, no doubt, over the part.* And he adds, That if the Sovereign Power had not this Right, the State could not be able to provide for its own Security.

But what seems to me most absurd in the Management of this Controversie by the *Vindicator* of the depriv'd Bishops, is this, That he condemns all those of *Schism*, who go upon different Principles, or that conform with these who fill the Sees of the deprived Bishops. For by this means, he not only involves the Christians of several Centuries in the same Guilt, even from *Constantine's* time, till Papal Usurpations were introduced; who submitted to Bishops put into the Places of others deprived by the Emperors, as has been learnedly shewn in a great many Instances, beyond all Possibility of a Reply: But he also condemns and contradicts himself. For I believe his Practice has been contrary to his present Opinion. Since, if I mistake not, he held Communion with the *Church of England*, till the late Revolution. And I believe this Doctrine of the Prince's Authority over spiritual Persons, was the same then as now. If not, what can those Words signifie, That the King is over all Persons and in all Causes, as well Ecclesiastical as Civil, Supream? Mr. Hooker tells us, That the Prince has by this, the same Power over Ecclesiastical Persons, as the Pope had usurped before the Reformation. And indeed, if these Words do not imply, That Ecclesiastical Persons as such, are subject to the King's Authority, they signifie nothing. And if they carry such a Sense with them, they must also denote the Sufficiency of the King's Authority, for depriving Bishops of their Sees upon a just Cause. And tho' it be granted, there were no Instances of this Nature in the late Reigns; yet the Case is much the same, if such a Doctrine was then held and maintained by the *Church*. And if 'tis a Sin to communicate with the *Bishops*, who are put into the Sees of them, who were deprived by the Supream Power, 'tis a Sin also not to separate from that *Church*, which requires all its Members to acknowledge and believe such a Right to belong to that Power. For the Nature of the *Church* is the same, whether the King exercises that Authority

By Doctor
Hody.

See Dean
Nowel, a-
gainst
Dorman.

thority or not; if it be owned and allowed by the Church to belong to him.

But this Author pretends that he has the Church and the Laws on his side, since *Queen Elizabeth's Time*; and that he will agree to the Supremacy as then stated by her, and as it is expressed in the 37th Article. If he will put the Cause upon this Issue, we must also submit to be determined by it. For we cannot desire to carry the Supremacy farther than it was in that *Queen's Time*, and as 'tis specified in that Article. But then we demand, That the Words may be explained according to the most easie and natural Sense of them, and not understood only as this Author would interpret them. The *Queen* lays claim to the same Authority over Ecclesiastical Affairs and Persons, that was Exercised by all Godly Princes in Scripture, and which at all times belonged to the Imperial Crown of England: And this must include the Power which was given to her Predecessors *Henry the 8th*, and *Edward the 6th*. The 37th Article allows the King all that Power which we contend for, and asserts his Supremacy over all sorts of Persons as well Spiritual as Temporal in all Causes. And all the Limitations that either the Injunctions of *Queen Elizabeth*, or that Article hath set to the Regal Power, is, That Kings have not, or do not pretend to have, any Authority to minister Divine Service in the Church, which we are not Disputing for. But if this Author will be concluded by *Queen Elizabeth's* Notion of the Supremacy, he must carry it I am afraid something farther than he is aware of. For she thought her Supremacy extended to the giving Commissions to Lay-Persons to proceed by Ecclesiastical Censures. And accordingly the *Earls of Shrewsbury, Derby*, and others, were made Visitors of Ecclesiastical Matters, and acted as such. This then we may be positive in asserting, That the Supremacy, as it was confirmed and settled in *Queen Elizabeth's Reign*, is a sufficient Vindication of our Principles, and directly opposite to his. Upon the whole, that Author's Censures are either too far stretcht, or too much confin'd.

Every Man, I think, ought to be very tender in fixing the Charge of Schism upon a whole Church; especially where it has the practice of all Antiquity on its side. Charity

See the Doctrine of the Church of England, concerning the Independency of the Clergy on the Lay-Power, by the Vindicator of the deprived Bishops.

Vid. Bp. Burnes's Hist. of the Reformation. Vol. 2. p. 399.

See Dean Novel, who was Prolocutor of the Convocat. when the Article were made in his Books against Dor-man.

Hist. of the Reformation. Vol. 2. p. 400.

rity certainly would rather oblige a Man to distrust the strength of his own Arguments, where he has neither the Authority of Scripture, and the ancient Church to support them, than pass so severe a Censure from the bare result of his own Thoughts and Opinions. If we are in the wrong, we err with the whole Catholick Church for some Ages together, and I believe I may add with the Scriptures themselves, I am sure not against them; and we have moreover our Canons and Articles for us, the Judgment of some of the greatest Men of the last Age, who could have no other Motives to mislead them, but the impartial discovery of Truth, who were of the same Opinion with us.

Indeed, I think we ought to pay a great deal of respect to Men that go upon sincere Principles of Conscience; but, then it were to be wished, That they would not judge too rashly of other Men; but consider, that they who dissent from their Notions, may not be less sincere and conscientious than themselves. It can't be supposed, that Men, who believe Religion, should be so fond of the little interest of a short Life, as to forfeit all pretences to a better, for the sake of it. Surely, Men that know the present value of things, ought to think *them* very inconsiderate Motives for the byassing a Man's Conscience one way or other.

There are a great many who can't comply with us, whom we must, and do entertain a very high Opinion of, and who deserve and command our Esteem. The late Service which one of them has done the *Church and Clergy*, by the vindicating them from the Contempt and Abuses of the *Stage*, in his admirable and just Reflections upon the Immorality and Profaneness of that Place, ought always to be acknowledged with the highest returns of Gratitude.

But to return to our Convocations; if we should grant that Revelation has not in express Terms determined this Matter, yet we may venture to lay this down for a certain Principle; That in a Christian Common-wealth, that Order ought most to be observed, which is most subservient to its Peace and Unity; and that such a method of Government cannot be lawful, which will necessarily confound and destroy it.

Now,

Now, if the Clergy should have the sole Power among themselves of meeting, and Establishing what Laws they please, for the Government of the whole Church; and of subjecting all Christians to the observance of them, whether they will consent to them or no, it will probably occasion great confusion, and raise perpetual Heats and Jealousies in the State.

The State does not challenge such a superiority over the Clergy in Civil Affairs; no Temporal Laws are made to bind them, but such as themselves have assented to: The same Reasons will hold in Christian Discipline; none ought to be bound to obey any Constitutions, but such as are made by their own consent; or, which is the same thing, by that of the Supream Authority, which represents the whole State.

Nor indeed, can the Clergy plead such a Privilege; See Ep. their Business being only to deliver their Opinions, and to declare their own, and the Sense of the Church, concerning any Point in Religion, and no farther than this does their Authority extend. Taylor's Duct. Du-bitant. l. 3. c. 4.

G. Vossius has proved this at large, and tells us, That the Clergy are forbid by the Scripture to Exercise Authority; Ep. 23. Cap. 4. and *Grævius* tells us, That they are called in Holy Writ by the Titles of *Embassadors, Messengers and Teachers*, to signify, that it is their Part, to declare the Authority and Power of another, and not to oblige Men by their own. The Government therefore which is committed to them, when they are said to *Guide, to Rule, to Feed*, to be set over the Church, ought to be interpreted of the declarative kind, or of that which consists only in persuasion: When the Apostles are any where said to have commanded, it is to be understood in such a figurative Sense, as they are said to remit and retain Sins; that is, to declare them remitted or retained. He farther proves, That the Church can have no commanding Power by *Divine Right*, because the *Sword*, which is the instrument of Power, and denotes Authority, is not committed to them.

There can no Power naturally belong to the Pastors of the Church, because no such thing is included in the nature of the Function. Under the *Mosaic Law*, when there was neither

Vid. Selden.
de
Synedriis.

neither King nor Judge, the Supream Power in Civil, as well as Ecclesiastical Affairs, devolved on the *High Priest*. But during the Regal Dignity, the High Priests Jurisdiction was always under that of the King; so *Aaron* was under that of *Moses*.

The Trust that is committed to the Ministers of the Church, by the Law of the Gospel, and which comes nearest to *Jurisdiction*, though it is distinct from it, are those Actions which were either peculiar to the first Christians only, or are still continued to the Pastors of the Church. Such was that *Sharpness* which the Apostle threatens the *Corinthians* with, which denotes according to *Grotius*, a certain miraculous Vertue of imposing Punishment. Thus *Ananias* and *Sapphira* fell down dead; *Elymas* was smitten with *blindness*, and others were *delivered to Satan*, which was plainly an Act of miraculous Power exercised by God himself; who, at the Denunciation of the Apostles, commanded Men to be vexed and tormented with *Diseases*, and seized on by *Devils*. *Grotius*, upon this observes, That before the Civil Powers exercised their Authority in the Church, God himself supplied by Divine Assistance, what was defective in Human Laws. But as *Manna* ceased, after the *Israelites* were possessed of the Holy Land; so, after *Emperors* took upon them to protect the Church, their Office being to punish all that any way disturbed its Peace, these Divine Executions of Justice were discontinued. But however, all those Divine Punishments were the Acts of God, not of Men, and the whole Work was his, not the Apostles.

As for the *use of the Keys* which is perpetually annexed to the Pastoral Office, that implies no *Jurisdiction*. The denouncing the Divine Threats and Punishments, and the enjoying restitution of Goods unjustly gotten, are only so many declarations of the Divine Law: *Excommunication* is of the same kind. The denying the *Sacraments* to notorious Offenders, is not Exercising any Dominion over them, but is only a Suspension of the Pastors own Act, and therefore is not any part of *Jurisdiction*.

From the whole it appears, That the Authority which was committed to the Clergy, does not reach to the making of Laws, or to oblige any Persons to be subject to their Injunctions

junctions by Vertue of their own Power. They may do both by the consent and permission of the Supream Authority, but of themselves they can pretend no *Right*. They are only allowed by the Scriptures to declare and deliver their Opinions about any Religious Matters, but the Sovereign Power alone can confirm them, and give them the force of Laws.

See *Vossius*,
Ep. 23.
Duct. Du-
bitant.
l. 3. c. 4.

But however, if at any time there may seem to be absolute necessity for a *Convocation* to meet, for the condemning Errors and Heresies, which may have crept into, and have disturbed the Peace of the Church; Though the Prince in such a Case will not consent to the Assembling the Clergy, they may notwithstanding, as many of them as think fit, give their Opinions, concerning such false Notions. And if their Opinions have any weight in them, they may be perhaps as much regarded, by the judicious part of the World, as the Judgment of a whole Convocation.

For when Men Publish their Reasons concerning any Opinions, every Body is at liberty to Discuss and Examine them, to search into the strength of their Arguments; be able to discover whether their Thoughts are well weighed, or whether they are not the effects of a peevish, mis-guided Zeal, rather than of a serious, deliberate Judgment.

The World can then judge whether Mens Enquiries into others Notions, and their Censures of them, are impartial or not; whether a Man's prejudice, or perhaps his Ignorance, or both, do not bias or mislead his Apprehensions.

It is not impossible that Men may side with a Party in a Convocation, only because 'tis the greatest; may judge against Men and their Opinions, only because they are theirs; but the World may be best satisfied of the Reasons and Motives of every Man's Judgment, when they are submitted to Publick Examination.

Besides, the Consent of a *Church* may be known by the unanimous Writings of all the Great Men of that Church, that have treated of such Subjects. For the Affairs of Religion, have been more often managed this way, and the Consent of the Church more frequently signified by Communication of *Letters*, as *Grotius* observes, than by Synods.

Cap. 7.
De Syno-
dis.

I would not be thought to derogate from the usefulness of Convocations, and from that Respect and Submission which is justly due to their Decisions.

Whenever the King shall be pleased to give them leave to sit and Act, every Man is obliged to be determined by their Orders and Decrees, as soon as ever they are legally confirmed.

But there is not at all times a necessity for their Meeting, and there may be often greater Reasons to urge against, than for it.

Cap. 7.
De Syno-
dis.

Grotius assigns these as *two* of the chief *Ends* of having Synods; one is, to counsel and direct the Prince in the advancement of Truth and Piety; the other, that the Consent of the Church may be Established and made known. But a *Synod* is not absolutely necessary upon either of these accounts: *Counsel* is not necessary for a Prince in things that are sufficiently plain by the Light of Nature, or Supernatural Revelation. Who doubts, but he that denies a *God*, a *Providence*, or a *Judgment to come*; that calls in question the *Divinity of Christ*, or the *Redemption purchased by him*; who, I say, can doubt, that a Man so profane may not be put out of Office, or banished the Common-wealth, without the advice of others?

Besides, the *Prince* has the Judgment of former *Synods* to assist and guide him in such Cases, so that he need not be obliged to call a new one. He hath the perpetual Consent and Determinations of the most Serious and Learned Men, who have lived in all other Ages, as well as the present, so that a Synod cannot be absolutely necessary for this End.

As for the Consent of a whole Church, there may be other Methods, as was already observed, of declaring that without the Meeting of a Convocation.

If then the Ends for which Convocations are to be called are not indispensably necessary, certainly their Right to sit cannot be Divine. But however it may be, this to me seems very apparent; that they are guilty of a very great Sin against *God*, and their own *Consciences*, if any such there are, that either publicly maintain, or secretly believe the *Divine Right* of Convocations independent on the Supream Civil Authority, and yet submit to be Members of such a one,

one, as has no Power to Sit, or Act, but what depends solely upon the Pleasure of the State.

If they are convinced that the *Clergy* have a *Divine Commission* to Assemble themselves, and that the Concessions made by the *Clergy* in *Henry the Eighth's* Time were unjust and sinful, why don't they Act agreeably to themselves? Why don't they protest against the Power of the Prince to call them; refuse his *Writs*, and disobey his *Summons*? For the very Meeting by his Appointment, is an acknowledgment of his *Power*, and an actual *Surrendering* of those *Rights*, which they pretend are only theirs, by Vertue of the *Divine Institution*; and consequently are in the very least degree for ever unalienable.

If then there are any, (as I would willingly believe there are not) who plead for such a *Divine Right*, and yet submit to be called to *Convocation* by a *Lay-Authority*; they must grant at least, that their Practice is very inconsistent with their Notions. But this I leave to the Consideration of the Elaborately confuted Author of the *Municipium Ecclesiasticum*: But yet, in asserting the King's Authority over *Convocations*, we don't mean, that he may prescribe, what himself thinks good to be done in the Service of God: How the Word shall be taught, how the Sacraments Administred: That he may by judicial Sentence decide Questions which may arise about Matters of Faith and Christian Religion; that Kings may Excommunicate; Finally, that Kings may do whatsoever is incident unto the Office and Duty of an Ecclesiastical Judge. But, to give *Mr. Hooker's* Words, we mean, " That the King's Royal Power is of so large compass, that no Man Commanded by him, can plead himself to be without the limits and bounds of that Authority. And that Kings should be in such sort Supreme Commanders over all Men, we hold it requisite, as well for the ordering of Spiritual as Civil Affairs; in as much as without universal Authority in this kind, they should not be able when need is, to do as Vertuous Kings have done. As *Josiah* and *Hezekiah* in the Old Testament did, when they Assembled the *Priests* and *Levites* to renew the House of the Lord, and to Celebrate the *Passover*. The like before them did *David* and *Solomon*, for removing the

Vid. Ec-
cle. Poli-
tic. p. 461.

Ark, and Dedicating the Temple. Such Authority as the *Jewish* Kings Exercised over Ecclesiastical Affairs and Persons, the like we claim to belong to our *Kings*; and those that deny them the same Authority, are to be Excommunicated, according to the Doctrine of the Church of *England*.

But since there is an Argument now again insisted upon from the New Testament, to prove the Right which belongs to the Clergy to Assemble, and make Ecclesiastical Laws without the leave of the Supream Authority, which in *Mr. Hooker's* Time was brought for an Objection against such a Supremacy in the King, I shall take the freedom to set it down in his Words, with his Answer to it.

- P. 467. " It will be (*says that Excellent Author*) perhaps alledged, That a part of the Unity of Christian Religion is to hold the Power of making Ecclesiastical-Laws a thing appropriated unto the Clergy in their Synods; and whatsoever is by their only Voices agreed upon, it needeth no farther Appropriation to give unto it the strength of a Law, as may plainly appear by the Canons of that first most venerable Assembly: Where those things the *Apostles* and *James* had concluded, were afterwards published, and imposed upon the Churches of the Gentiles abroad as Laws; the Records thereof remaining still in the Book of God for a Testimony, that the Power of making Ecclesiastical Laws, belongeth to the Successors of the *Apostles*, the Bishops and Prelates of the Church of God.
- Acts 15. " To this we Answer, That the Council of *Jerusalem* is no Argument for the Power of the Clergy to make Laws; For first, There has not been since, any Council of like Authority to that in *Jerusalem*: Secondly, The Cause, why that was of such Authority came by a special Accident: Thirdly, The Reason why other Councils being not like unto that in Nature, the Clergy in them should have no Power to make Laws by themselves alone, is in Truth so forcible, that except some Commandment of God, to the contrary can be shewed, it ought notwithstanding the aforesaid Example to prevail.
- " The Decrees of the Council of *Jerusalem*, were not as the Canons of other Ecclesiastical-Assemblies, Humane, but very Divine Ordinances: For which Cause the Churches.

" Churches were far and wide, commanded every where
 " to see them kept, no otherwise than if Christ himself
 " had personally on Earth been the Author of them. The
 " Cause why that Council was of so great Authority and
 " Credit above all others which have been since, is ex-
 " pressed in those Words of principal Observation, *Unto the*
 " *Holy Ghost, and to us it hath seemed good* : Which form of
 " Speech, though other Councils have likewise used, yet
 " neither could they themselves mean, nor may we so un-
 " derstand them, as if both were in equal sort assisted with
 " the Power of the Holy Ghost. Wherefore, in as much
 " as the Council of *Jerusalem* did consist of Men so enlight-
 " ned, it had Authority greater than were meet for any
 " other Council besides to challenge, wherein such kind of
 " Persons are, as now the State of the Church doth stand ;
 " Kings being not then that which now they are, and the
 " Clergy not now that which then they were. Till it be
 " proved that some special Law of Christ, hath for ever
 " annexed unto the Clergy alone the Power to make Eccle-
 " siastical Laws, we are to hold it a thing most Consonant
 " with Equity and Reason, that no Ecclesiastical Laws be
 " made in a Christian Common-wealth, without consent
 " as well of the Laity as of the Clergy, but least of all
 " without consent of the highest Power.

The Opinion of the Learned *Grotius* being more short Chap: 7.
 and decisive in our present Case, upon that forementioned De Syno-
 place of the *Acts*, I shall also give an account of it. The dis.
Original of Synods, says he, is usually taken from that History
 in the 15th Chap. of the *Acts*. But whether that Assembly may be
 properly termed a Synod, as we now understand that Word, may
 very well be questioned. There arose a Controversie between
 Paul and Barnabas, and certain Jews of Antioch, concerning
 the Obligations of the *Mosaick Law* : Paul and Barnabas are
 sent with some of Antioch, to know the Opinion of the Pastors ;
 but were they those of all Asia, Syria, Cilicia and Judea, As-
 sembled together in one place, that were to give their Judgment ?
 No certainly ; but of the Apostles and Elders of Jerusalem ;
 the Company of the Apostles, was a College, not a Synod ;
 and the Elders of one City, could not certainly be called a Sy-
 nod. One Church therefore alone is consulted ; or more truly
 and

and properly speaking, the Apostles only are consulted, and they alone give Judgment; to whose Authority the Elders and Brethren of Jerusalem yield their Consent and Approbation. Thus, I think there can't be the least shadow of an Argument brought from Scripture for a Divine Institution of Synods.

But to return once more to *Mr. Hooker*; "Were it so, (adds that judicious Author) that the Clergy alone might give Laws unto all the rest, is it not easie to see, how injurious this might prove to Men of other Conditions? Peace and Justice are maintained by preserving unto every Order their Right, and by keeping all Estates, as it were in even ballance, which thing is no way better done, than if the King their Common Parent, whose Care is presumed to extend most indifferently over all, do bear the chiefest sway in making Laws, which all must be ordered by; wherefore of them which attribute most to the Clergy, I would demand, what Evidence there is, whereby it may clearly be shewed, that in ancient Kingdoms Christian, any Canon devised alone by the Clergy, in their Synods, whether Provincial, National or General, hath by meer force of their agreement, taken place as a Law, making all Men constrainable to be Obedient thereunto, without any other approbation from the King, before or afterwards required in that behalf?

This was the Sense of that Great Man; and the very same Opinion and Notions they are, and no other, (as far I can judge,) which are maintained by them, who at present defend the King's Authority in calling Convocations, and in other Ecclesiastical Affairs. And I can't yet apprehend, how those who so warmly and furiously oppose them, can reconcile their Notions with the Doctrines which have been always received in the Church of *England*.

But it may probably be urged, That though the Clergy's Right to Assemble themselves, and make Laws for the Government of the Church by their own Power could not be proved by Revelation, yet in Reason it ought to be allowed to them; because the security of Religion depends upon it. For if the Clergy alone may not make any new Orders which may seem wanting, nor pass a general Censure upon any false Opinions or Innovations in Religion, by a judicial Sentence

Sentence against them in Convocation, without the Pleasure of the State; The Church will by this means be deprived of its Liberty, and never be in a Capacity of deciding any Controversies which may disturb its Peace and Unity. And if the Prince be Heretical, as 'tis not impossible, and will not suffer the Meeting of a *Convocation*, our Religion will then very probably be corrupted by Errors and Heresies, and the Church unable to relieve it, by being divested of the Power of summoning its Clergy; by whose united Opinions and Decrees, a timely stop might be put to all false Doctrines and Divisions.

To this I answer, That the Case is the same wherever the Power shall be lodged. Let us suppose in a *Metropolitan*. Now 'tis not impossible, but he also may be a Heretick, and will not suffer a Convocation of the Clergy. For if the Authority is in him, the inferior Order must be as much subject to his Will, as to that of the Civil Governor, and may as equally be deprived of their Liberty of Meeting, by the one as the other; and so it may be, let the Authority be placed in any other Hands.

But perhaps it may be thought that the Civil Power is not a proper Judge of the Necessities of the Church, when its Faith or Discipline are in danger of being corrupted or destroyed.

Let it be granted, That there may be others more fit to judge of these things, tho' it may happen, that even some of the Clergy themselves may be mistaken in these Matters, and may be sometimes very unfit Judges of the most proper Times for calling a Convocation: Yet I hope the King is not to be precluded from all Council and Advice in such Cases. If any of the Clergy had the Power, they would not, I presume, make use of it, upon their own single Opinion: They would certainly ask the Advice of the most Wise and Judicious in such Matters. And why the King may not have the same Priviledges and Opportunities of Enquiry, I can see no Reason.

But it is objected, That the Office of the Clergy is distinct from that of the Civil Power, and they receive no Parts of it from thence, and therefore cannot be under its Jurisdiction.

So it was also among the Jews, yet their Kings had the Supream Power over their Priests. The Power and Authority of the King is Spiritual, though he is not invested with the Spiritual Office. The King indeed seems in some Cases to be subject to the Priestly Office; as he is to receive the Sacraments, Absolution, and the like from them: So also is he subject to his Physician as to his Health, he is to be governed by his Rules and Methods for preserving Life. Yet this does not diminish his Authority over either. His Right over them, as Supream Governor still remains the same.

But 'tis again objected, That the Care of Souls is the particular and immediate Business of the Clergy: And the observance of the true Religion being necessary to that end, 'tis undeniable that they ought to have a Power of endeavouring to preserve it by such ways as may seem most effectual and proper for it.

Voss. E.
pist. 23.

Cap. 1.
De Imperio.

See Bishop
Andrew's
Sermon at
Hampton-
Court.

To this we may answer, That the Supream Governor has the same Care incumbent upon him; he is obliged to preserve and defend the true Religion, to see it rightly observed, and to *punish those that do Evil*: For which Reason, *G. Vossius*, as well as *Grotius*, is of Opinion that Princes have the Supream Authority in Sacred Matters by a Divine Right. For if they are the *Ministers of God for Good*, they must have the Supream Command in Religious Matters, whereby to enforce Obedience to them. And indeed, if the Commission given by God to *Moses*, and Exercised afterwards by *Joshua*, and the *Jewish Kings*, and never abolished by our Saviour, does give the same Right and Authority to Christian Kings now, to call Ecclesiastical Assemblies as they did, it can't be denied that they also Act by a Divine Commission. And it is one great Business of theirs, that Divine Things should be rightly ordered, and the Salvation of Men procured. They are the Defenders and Guardians of the Divine Law: The Inspectors of the Actions of all Men; and have accordingly a Power to Reward and Punish.

'Tis also necessary that Kings should have the chief Command in Religious Matters, because Religion is of mighty Service to the Civil Government; nothing more advantageous for the preserving Peace and Unity, Love of our Country, Justice, Equity, and all other Moral Duties, which
 'tis

'tis a Princes Duty to maintain : And which he has no means of effecting so well, as by his Sovereign Power in all Sacred Concerns. And therefore to deprive him of this Power, is to forbid him the Exercising those Commands which a Vertuous King is obliged to.

Upon the whole then, it can't be denied, That by our Constitution, the King has the sole Power of calling and dissolving Convocations, and that they have no Authority to Act but what is derived from him. And whoever takes the *Oath of Supremacy* grants as much. That this Power is no other, than what was Exercised by the *Jewish Kings*, and afterwards by the first *Christian Emperors*; and was never disowned and protested against by the *Clergy*. That the Practice of the Christians before the Conversion of the Supream Authority, is not concerned in the Dispute; and that the Scriptures are either for us, or wholly silent in the Matter. Tho' I think we may fairly urge, That the Examples of the *Jewish Kings*, and the general Authority given to Princes by God, do sufficiently prove even from Scripture, that this Power does belong to them.

See Bishop
Andrew's
Sermon at
Hampt.
Court.

That the Ends of Government require, That where all profess the same Religion, they should all be subject to the same *Common Head*, in Spiritual as well as Civil Affairs. And that *He*, to whom the chief Care of the Church is committed, and to whom it principally belongs to preserve and defend the Orders and Constitutions of it, should also have the Principality of Power in Approving and Establishing them.

But if the Clergy have the sole Power by a Divine Commission of making Ecclesiastical Laws, it will follow, That 'tis the Prince's Business, to maintain and see them observed, whether he is willing to consent to them or not. He cannot refuse to obey them himself, nor to oblige others to submit to them. Nay, more, if the Clergy have a *Divine Right* to meet and constitute any Orders without the leave of the Supream Power, they have a Right also to Decree and Enact what Laws they may judge beneficial to the Church, how opposite soever to the Constitutions of the State. They may declare what Doctrines they please to be taught in the Church, provided they be not repugnant to the Law of God. For if their Right is Divine, their Power is Absolute and Uncontroulable, where Scripture has not determined the bounds and measures of it.

Every one sees what Distractions such a Power might occasion ; and therefore we can't pay too great a Veneration to our Laws, which have wisely provided against them : That have intrusted this Power with the Prince, whose Interest it is as much to preserve the Church, as the State. And I hope we have no Reason to believe, but that he makes it as truly and sincerely his concern to vindicate the Cause of Religion, as any amongst us.

If there are such Dangers threaten the Church, that nothing but a Convocation can prevent, no doubt but he will think it a great Obligation upon him to call one : But yet, it is not at all times necessary ; Mens Heats will not always suffer it. And if it should chance to fire their Tempers instead of cooling them, it would be then very Prejudicial.

Cap. 7.

Vid. Ep.
Brambal a-
gainst the
Scotch Dis-
cipline.
Vossius E-
pist. 23.

We confess indeed, with *Grotius* and Others, That Synods are often times very useful to the Order and Government of the Church; yet we also join with them, that there may be such a time, when they are far from being convenient, much less necessary. *But our greatest wonder is at the Boldness of some Men, who maintain, That, even when the Powers take on them the Protection of the Church, whether they will or no, Synods may lawfully and rightly be Assembled.* Of another Mind, says *Vossius*, were all those, who have hitherto defended the Cause of the Protestants against the Papists; and he cites several Authorities for it.

As for the Assertors of a Divine Right of Synods, 'tis something difficult to know their meaning ; they seem too much to distrust their Cause to speak plain enough to be understood. If they mean no more by that Expression, than that Christ hath so constituted his Church, as to leave a Power of Government with the Bishops of it, for the better ordering its Affairs; who accordingly may either by Consent meet themselves, or by their Authority call together their Clergy, and agree on such things as are necessary for the ordering of it: This is what, in States not Christian, will never be deny'd by us. But if they pretend to a Power from God of Meeting and Acting independently on the Sovereign Authority, tho' Christian, and of Making and Establishing Ecclesiastical Laws and Constitutions without his Consent ; this is what we utterly deny. And I would desire to know of the Author of *The Vindication of the depriv'd Bishops*, by what Authority, either from the
Scripture

Scripture or the Practice of the Church, he will oppose this, or with what Justice he can so severely reflect on the Memory of the first Reformers, for being of the same Opinion. But to return, supposing we should allow this *ius divinum* which they contend for; yet after all, it must be left to human Prudence to determine, when 'tis proper for Convocations to meet; and then, who is it that must judge of the proper Seasons for it? Who of the Clergy have a divine Commission to judge of the Reasons, and fix the time for it? Or suppose the Clergy should differ in their Judgments, who is the supream Arbitrer that must decide when it is most convenient, and accordingly shall have the Power of summoning all the rest? Superiority in Bishops over each other is an act of human Authority, since Christ did not appoint a Head; and therefore any one of those can't have a Power by Divine Right of summoning all the rest: Where then must the Power be placed? For they who urge such an Institution against us, ought to assign where they would have the divine Power of summoning the Convocation to be lodged.

After all, 'tis Reason that must direct in these Cases; when a Convocation ought to be Assembled; of what Number of the Clergy it ought to consist; where their Power is to be fixed and limited, and to whom the chief Authority ought to belong of Calling and Dissolving them, and of giving their Resolutions, the Force and Sanction of a Law. This the Wisdom of the Nation, has entrusted with the Sovereign Power; and the *Church of England* has ever since the Reformation, own'd and acknowledg'd it to be its peculiar Province.

As for the Author of the *Municipium Ecclesiasticum*, poor Man, he is rather to be Pitied then Censured, as to the arguing part of his Book; he writes so much backwards and forwards, for and against himself, and withal so very obscurely, that the most charitable Opinion of him, is, That he knew nothing of what he writ. He is so strangely bewildered in his own Notions, and so fond of Ill-nature, that he is neither to be understood or convinced.

All he has urged in defence of the *Divine Right* of Convocations, will as much prove a Divine Right of Constables and Church-wardens, or any other Officers that may be useful for punishing Immorality, or for supporting or advancing

Vid. Bp.

Taylor,
Ductor Du-
bitanium,
Archbp.
Brambal a-
gainst the
Scots Dis-
cipline,
&c.

vancing the Interest of the Church. And for all the Argument I can find in his Book, he might as well have called it a Criticism upon *Homer's Iliads*, as an Answer to Dr. Wake.

This Author is one great Instance, why I think a Convocation necessary, that Malice and Uncharitableness may have their just Reward; that he may be convinced, that he who writes at all adventures upon every thing he least understands, must not think to carry a Cause only by abusing and defaming his Adversary; which is all that I can find he pretends to, in all his Prints: And lastly, that he may be satisfied that his ill-breeding, which he values himself so much upon, is but one way Meritorious.

I should not have digressed into this way of Writing, was it not to inform this Author, that there is a difference between Railing and Argument: That the one is rude and indecent, even when mixt with the other; but without it, 'tis insufferable.

Thus have I run thro' all the parts of this Dispute, about a Convocation, which I thought necessary to be considered and discussed; I have endeavoured to reduce the Controversie, into as narrow a compass, and to set it in as clear and true a Light as I could. And as I have given my Thoughts freely, so I have not been misled by any Prejudice, or a desire of pleasing any Party. My first Designs were to get a clear view of the Controversie; and since there had been of late some heats about it, I thought it not improper to expose my Enquires to publick Examination. I consulted the best and most rational Authors that I could find had writ upon the Subject; tho' I thought it unnecessary to fill out a Volume with Quotations. But I shall add what the Learned *Vossius* as well as *Grotius*, says upon this occasion; namely, " That besides the Divines;

Vol. Ep.

23.

De Impe-

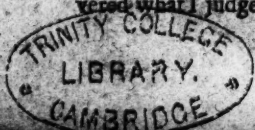
rio Sum.

Poest. cir.

as Sacra.

" all the Writers of Policy, that are worth the Reading, have declared the supreme Authority of Princes, over Ecclesiastical Persons and Causes, to be one of the principal parts of the Imperial Right.

Dr. Wake, as well as all the other Writers upon this Subject, is wholly unknown to me: But I can't but think, upon an impartial Enquiry into the Controversie, that he has given us a very just and learned Account of it; and that he agrees with the most judicious and eminent Men, that have treated the Subject before him. What a peice of daring Confidence must it then be, to tax those as mercenary designing Writers, that only espouse a Cause, which some of the greatest and most learned Men in the World, have before defended. But I shall urge nothing more, but only, That I have delivered what I judged to be Right, without either Hopes or Fears.



F I N I S.

REFLECTIONS
BOOK

The Bishop of Sarum's Reflections

On a Book concerning

The Rights of an *English* Convocation.
